

**SOUTH CAROLINA PUBLIC SERVICE COMMISSION**

**STANDING HEARING OFFICER DIRECTIVE**

**DOCKET NO. 2013-55-C**

**NOVEMBER 25, 2013**

**Standing Hearing Officer: David Butler**

**DOCKET DESCRIPTION:**

**South Carolina Telephone Coalition Petition to Modify Alternative Regulation Plans Filed Pursuant to S.C. Code Section 58-9-576(B) to Take Into Account Recent Action by the Federal Communications Commission**

**MATTER UNDER CONSIDERATION:**

**Request of the South Carolina Cable Television Association ("SCCTA") for the Commission to take judicial notice of certain filings**

**STANDING HEARING OFFICER'S ACTION:**

**SCCTA seeks to have the Commission take judicial notice of certain documents filed in ND 2013-6-C:**

- 1) The July 12, 2012 ILEC annual reports filed with the Office of Regulatory Staff ("ORS");**
- 2) The surrogate cost information provided to ORS by the incumbent local exchange carriers.**

**The request is denied because of the reasoning discussed below:**

**First, the request is untimely. Under 10 S.C. Code Ann. Regs. 103-846 (C), which governs the taking of judicial notice, "Parties of record shall be notified either before or during the hearing..." The oral argument in this matter was held on September 11, 2013. The Request is dated October 28, 2013. Second, the request does seem to involve reference to a broader range of documents than was contemplated by the Protective Order dated August 6, 2013, which related a prior discovery request for similar documents. The Standing Hearing Officer is reluctant to broaden after the fact the range of documents that was allowed under an earlier agreement by the parties and memorialized in the Protective Order. Third, SCCTA never really clarifies why it thinks an examination of the stated documents by the Commission would be relevant in this case. The main reason cited by SCCTA is that the South Carolina Telephone Coalition ("SCTC") cited the designated documents in its September 11, 2013 oral argument. It appears that when discussing the background of the State Universal Service Fund, counsel made reference to the fact that the Incumbent Local**

**Exchange Carriers (“ILEC’s”) file reports annually with the Office of Regulatory Staff. Also, reference was made by SCTC counsel to the filing of cost studies in answer to a Commissioner’s question. These points are not a sufficient showing of relevance in this case.**

**Because of all three of these reasons, the request is denied.**